

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Martyn Pritchard et al.	Art Unit	:
Serial No.	: 10/598,520	Examiner	:
Filed	: September 1, 2006	Conf. No.	: 6818
Title	: THERAPEUTIC COMPOUNDS		

MAIL STOP PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.47

This is a petition to accept the application identified above pursuant to 37 C.F.R. 1.47 because one of the inventors, Dr. Jacqueline Ouzman, has stated that she will join in the application only if paid a fee for the execution of the declaration. It is my understanding that the request for compensation in exchange for execution of the declaration is not consistent with Dr. Ouzman's employment agreement with her former employer, Cambridge Biotechnology Limited (a wholly-owned subsidiary of Biovitrum AB), and is therefore tantamount to a refusal to sign.

The application currently names four inventors. With the exception of Dr. Ouzman, the other inventors have executed a declaration, a copy of which is submitted concurrently with this Petition in response to the Notice to File Missing Parts.

The last known address for Dr. Ouzman is as follows:

76 Nab Wood Crescent
Shipley
Bradford
West Yorkshire BD18 4HY
United Kingdom

Declarations by the following persons are submitted with this Petition:

(1) Dr. Lars Höglund of Biovitrum AB; and (2) Dr. Neil Thornton of Reddie & Grose.

As indicated by the Declaration of Dr. Höglund, copies of the application papers, including a complete copy of the patent specification, were forwarded to Dr. Ouzman on October 9, 2007 (see also Exhibit A). A declaration was forwarded to Dr. Ouzman for her

signature together with the application papers (see also Exhibit A). Dr. Ouzman has acknowledged receipt of the application papers and the declaration (see also Exhibit B).

As indicated by the Declaration of Dr. Thornton, Dr. Ouzman has responded to Dr. Höglund's correspondence by requesting compensation in the amount of £400 (approximately US\$820) in exchange for execution of several patent documents, one of which is the declaration for the above application. Dr. Ouzman has to date been unwilling to sign the declaration without payment of a fee.

In view of the diligent efforts to obtain Dr. Ouzman's signature and her unwillingness to do so absent payment of a fee, it is respectfully requested that this application be accorded status under 37 C.F.R. 1.47.

The required fee under 37 C.F.R. 1.17(g) in the amount of \$200 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13425-200US1.

Respectfully submitted,

Date: December 7, 2007



Jack Brennan
Reg. No. 47,443

Fish & Richardson P.C.
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DECLARATION OF LARS HÖGLUND

1. I, Lars Höglund, am the Head of the Patent Department for Biovitrum AB.
2. On October 9, 2007, I caused a copy of the patent application identified above to be sent to Dr. Jacqueline Ouzman both by email and by courier to her residential address. A copy of my letter is enclosed as Exhibit A.
3. The enclosures with my email and letter to Dr. Ouzman included a complete copy of the patent specification, including the drawings and claims, as well as a Combined Declaration and Power of Attorney and an Assignment for Dr. Ouzman's signature.
4. On October 19, 2007, Dr. Ouzman sent an email to me acknowledging receipt of my letter of October 9, 2007 as well as the enclosed patent specification, Combined Declaration and Power of Attorney, and Assignment. In my reply to Ms. Ouzman's email, I complied with her request to assign a UK patent attorney to act as an intermediary to discuss the execution of the documents (including the declaration). I designated Dr. Neil Thornton of Reddie & Grose to act as this intermediary. Copies of Dr. Ouzman's email of October 19, 2007 and my reply thereto are enclosed as Exhibit B.
5. I hereby declare that all statements made herein are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Attorney's Docket No.: 13425-200US1 / BV-1093 US

Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: Dec. 5, 2007

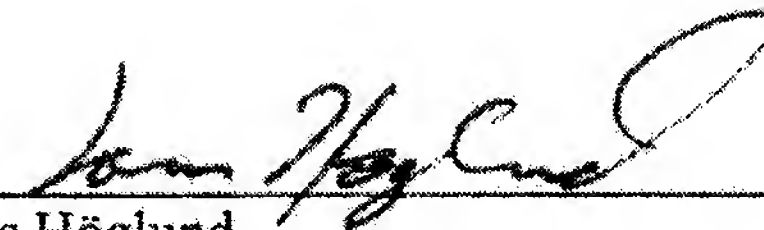
By: 
Lars Höglund

EXHIBIT A

Jacqueline Ouzman
76 Nab Wood Crescent
Shipley
Bradford
West Yorkshire BD18 4HY
United Kingdom



Biovitrum AB (publ)
SE-112 76 Stockholm, Sweden
Phone: +46 8 697 20 00 Fax: +46 8 697 35 03
Visitors: Berzelius väg 8, SE-171 65 Solna
patent@biovitrum.com
www.biovitrum.com

BY COURIER AND EMAIL

October 9, 2007

Jacqueline Ouzman, 76 Nab Wood Crescent, Shipley, Bradford, West Yorkshire
BD18 4HY, United Kingdom

Re: THERAPEUTIC COMPOUNDS

Applicant: Martyn Pritchard et al.
Application No.: 10/598,520 (U.S. National Phase of
PCT/GB2005/000800)
Filed: September 1, 2006
Country: United States
BVT Ref.: BV-1093 US
F&R Ref.: 13425-200US1

Urgent – Immediate Action Requested

Dear Ms. Ouzman:

Enclosed is a complete copy of the above patent application, including the claims and drawings, that was filed with U.S. Patent and Trademark Office on September 1, 2006. We have enclosed the published PCT application (publication number WO 05/084653), since the U.S. application is the national phase of this PCT application.

Also enclosed is an Assignment and a Combined Declaration and Power of Attorney for the application. Please sign and date the Assignment and the Combined Declaration and Power of Attorney where indicated. Also, please sign the Assignment in the presence of two witnesses. If you need to make corrections on the documents, please initial and date in the margin next to each correction.

The U.S. Patent and Trademark office set a deadline of July 7, 2007 for filing the signed Declaration and Power of Attorney in the above application. Although we have now missed that deadline, we may still file the document by

paying extension fees. If we file by **November 7, 2007**, we must pay four month extension fees at a cost of US \$1,640. Only one additional month is available beyond that date and it will cost US \$2,230 in fees if we must wait until that final deadline.

We request that you return enclosed documents to us at your very earliest convenience. The other inventors have signed and we will be able to make the required filing as soon as we receive your executed documents. As you will see from a review of the enclosed materials, this patent application relates to work from the time you were employed at Cambridge Biotechnology Limited.

We look forward to receipt of the signed formal documents as soon as possible. If you would like to discuss this matter, please contact me at Telephone No. +46 8 697 2966 or let me know if you would like me to call you.

Yours sincerely,

BIOVITRUM AB (publ)
Patent Department



Lars Höglund
Head of Patent Function

biovitrum.

EXHIBIT B

Höglund Lars <Lars.Hoglund@biovitrum.com> wrote:

Dear Dr. Ouzman,

Thank you for your response. If you wish I can ring you to further explain the situation, but since you indicate that you would like to speak with a UK patent attorney, I have asked Neil Thornton at Reddie & Grose to contact you. Neil is familiar with these patent applications and will be able to explain the contents of the documents we have dispatched to you.

Please let us know when it will be convenient for you to speak with Neil, and please let us have your phone number.

You may also choose to contact Neil Thornton yourself, at the following address:

Neil Thornton
Reddie & Grose
5 Shaftesbury Road,
Cambridge CB2 8BW
Tel: 01223 360350
Fax: 01223 360280
Neil.Thornton@reddie.co.uk

I hope and trust that we will be able to find solutions acceptable to you.

Sincerely,
Lars Höglund

From: Jackie Ouzman [REDACTED]
Sent: den 19 oktober 2007 10:32
To: Höglund Lars
Subject: Re: Patent application BV-1093 US

Dear Dr Hoglund,

Thank you for your email, as below, which was received this morning. I acknowledge the receipt of 4 attachments namely a letter from yourself, patent BV-1093US, a patent assignment form and a combined declaration and power of attorney.

I have not received a package from DHL, but I did receive a card yesterday saying that they did try to deliver something to me at home earlier that day. Unfortunately, I am not at home during the day so I will not be able to take a DHL delivery from Biovitrum without prior arrangement with you. Due to work commitments this weekend, I will not be able to travel to Leeds to collect the DHL package from their depot until next Saturday.

I note from your letter that you have offered to ring me to discuss the matter. I would appreciate this. Perhaps we could arrange a mutually convenient time next week? As you are aware from my previous correspondence, I do not feel comfortable with simply signing these legal documents without understanding the content. I have previously requested that Biovitrum use a UK patent attorney as an intermediary in order to reassure me that the paperwork is in order and to smooth this process, but this was refused. I would welcome your assistance in finding an alternative solution that would help us both to move forwards with mutual trust and co-operation.

Yours sincerely,

Jacqueline Ouzman

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DECLARATION OF NEIL THORNTON

1. I, Neil Thornton, am a partner at the firm of Reddie & Grose in Cambridge, England.
2. On November 1, 2007, at the request of Dr. Lars Höglund of Biovitrum AB, I spoke on the telephone with Dr. Jacqueline Ouzman. The topic of the conversation was several patent documents that Dr. Höglund had forwarded to Dr. Ouzman and requested that she execute. Dr. Höglund had designated me to act as an intermediary to discuss the execution of the documents with Dr. Ouzman. It is my understanding that the declaration for the above patent application was one of several documents that Dr. Höglund had forwarded to Dr. Ouzman. In the telephone conversation of November 1, 2007, Dr. Ouzman requested that she be paid £400 for the execution of all of the documents she had received from Biovitrum AB.
3. On November 13, 2007, after having consulted with Dr. Höglund about Dr. Ouzman's request for compensation, I informed Dr. Ouzman that Biovitrum AB was unwilling to pay the requested amount for execution of the declaration. It is my understanding that no compensation should be required for execution of the declaration because such execution is an obligation attached to Dr. Ouzman's former employment by Cambridge Biotechnology Limited (a wholly-owned subsidiary of Biovitrum AB). Dr. Ouzman has to date been unwilling to sign the declaration without payment of a fee.
4. I hereby declare that all statements made herein are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: December 7, 2007

By: Neil Thornton
Neil Thornton